

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

UNITED STATES OF AMERICA, CALEB  
HERNANDEZ & JASON WHALEY,  
RELATORS,

*Plaintiffs,*

V.

TEAM FINANCE, L.L.C., TEAM HEALTH, INC., TEAM HEALTH HOLDINGS, INC., AMERITEAM SERVICES, L.L.C., HCFS HEALTH CARE FINANCIAL SERVICES, L.L.C., QUANTUM PLUS, L.L.C., (D/B/A TEAMHEALTH WEST),

*Defendants.*

[illegible]

CIVIL ACTION NO. 2:16-CV-00432-JRG

## ORDER

The Court held a hearing in the above-captioned matter on Wednesday, December 9, 2020 regarding Relators Dr. Caleb Hernandez and Jason Whaley’s (collectively, “Relators”) Motion Requesting Voluntary Dismissal of Plaintiff States (Dkt. No. 312) and Defendants Team Finance L.L.C., Team Health Inc., Team Health Holdings, Inc., AmeriTeam Services, L.L.C., HCFS Health Care Financial Services, L.L.C., and Quantum Plus, L.L.C.’s (collectively, “Defendants”) (together with Relators, the “Parties”) Motion for Protection Regarding Confidentiality Designations (Dkt. No. 263), Second Motion for Protection Regarding Confidentiality Designations (Dkt. No. 327), and Motion for Leave to File Supplemental Memorandum in Further Support of Their Motion to Exclude the Opinion Testimony of Relators’ Designated Expert Kristen Folding (Dkt. No. 295). This Order memorializes the Court’s rulings on the aforementioned motions as announced into the record, including additional instructions that were given to the

parties. While this Order summarizes the Court's rulings as announced into the record during the hearing, this Order in no way limits or constrains such rulings from the bench and as reflected in the record. Accordingly, it is hereby **ORDERED** as follows:

**1. Relators' Motion Requesting Voluntary Dismissal of Plaintiff States (Dkt. No. 312)**

The Court **GRANTED** this Motion. (Dkt. No. 353 at 6:13-17). The Court accepted the Parties' agreement to the dismissal of Plaintiffs State of Texas, State of Tennessee, State of Florida, State of Louisiana, State of Connecticut, Commonwealth of Massachusetts, State of Georgia, and State of Indiana (the "Plaintiff States") and their Medicaid-based claims without prejudice to re-filing and to the dismissal of Relators' claims on behalf of the Plaintiff States with prejudice. (*Id.* at 5:9-19, 5:25-6:5). Accordingly, Plaintiff States and their claims are **DISMISSED WITHOUT PREJUDICE** but Relators' claims on behalf of Plaintiff States are **DISMISSED WITH PREJUDICE**.

**2. Defendants' Motions for Protection Regarding Confidentiality Designations (Dkt. Nos. 263, 327)**

The Court **GRANTED** these Motions. (Dkt. No. 353 at 32:2-6). The Court notes that the designation of the disputed documents as confidential would not necessarily preclude their use in an open trial, but sees no basis to strike the confidential designations at this time. (*Id.* at 32:7-24).

**3. Defendants' Motion for Leave to File Supplemental Memorandum in Further Support of Their Motion to Exclude the Opinion Testimony of Relators' Designated Expert Kristen Folding (Dkt. No. 295)**

The Court **DENIED** this Motion. (Dkt. No. 353 at 54:25-55:3). The Court notes that most, if not all, of the arguments raised in the Motion were at least touched on in Defendants' *Daubert* Motion (Dkt. No. 165). (*Id.* at 55:24-56:4). That being the case, the Court intends to hear fulsome

argument on the merits at the pre-trial conference. (*Id.* at 55:4-6). However, additional pages of briefing are not necessary. (*Id.* at 56:8-20).

**So ORDERED and SIGNED this 23rd day of December, 2020.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE